

THE INTERNATIONAL LAW SECTION
OF THE STATE BAR OF CALIFORNIA
PRESENTS

***Winning International Strategies for Technology-Based
Companies:
Integrating Intellectual Property and Corporate Planning***

February 8, 2002
San Diego Marriott Del Mar
San Diego (Carmel Valley), California

In Cooperation with:
San Diego World Trade Center
American Corporate Counsel Association – San Diego Chapter
San Diego Regional Chamber of Commerce
ABA Section on International Law and Practice
Intellectual Property Section, State Bar of California

Keynote Speaker: The Honorable Robert L. Stoll, Administrator for External Affairs, The United States Patent and Trademark Office, Washington, D.C., “**International Protection of Intellectual Property.**” Mr. Stoll is the senior official at USPTO on International Issues. Mr. Stoll has recently participated in meetings in Europe of the governing bodies of the World Intellectual Property Organization (WIPO) and of the G-8 Industrial Property Offices.

Featuring: A. Douglas Melamed, Esq., Wilmer, Cutler & Pickering, Washington, D.C., “**International Antitrust Planning**” Mr. Melamed served as Acting Assistant Attorney General and Principal Deputy, Antitrust Division, U.S. Department of Justice. Mr. Melamed served a key role in developing strategy for the Microsoft case. Mr. Melamed was also responsible for international matters at the Antitrust Division.

Focus: How technology-based businesses can work with their legal counsel to establish international strategies for expanding business beyond the domestic market. Speakers will present international legal issues from a strategic perspective to assist businesses in using that information as a planning tool.

Who Can Benefit: Senior executives in technology-based companies; In-house corporate, intellectual property, labor and international counsel; Executives and attorneys working in the international arena; Business and intellectual property lawyers who seek to understand the “big picture” in international business transactions.

Registration Fee: \$245 for Members of the International Law Section (ILS) of the State Bar of California and Cooperating Organizations; \$295 for non-members (fee includes membership in the ILS); \$125 for full time government/academic; \$75 for students. Fee includes the conference, a book of program materials, continental breakfast, lunch and refreshments.

The State Bar of California and the International Law Section are State Bar of California MCLE approved providers.

The Conference Program

7:30 am – 8:30 am **Continental Breakfast**

8:30 am – 8:35 am **Welcome – John McNeece, Chair, Executive Committee of the International Law Section, California State Bar, and Event Co-Chair**

8:35 am – 8:45 am **Introduction – Minda Schechter, Event Co-Chair**

Focus and Approach - International Strategies For Expanding Business; Overview of Day's Events; Thanks to Co-Sponsors

Session 1
8:45 am – 10:30 am
(MCLE Hours: 1.75)

Intellectual Property and Technology Licensing in the International Context

Territorial Aspects of Intellectual Property

– **Professor John T. McDermott**

Loyola Law School, Los Angeles

Domestic Nature Of Patenting, Challenges In Obtaining Patent Protection Abroad; Costs and Other Considerations

International Protection and Enforcement of Patent Rights

– **Andrew H. Simpson, Esq.**

Knobbe, Martens, Olson & Bear LLP, Newport Beach

Practical Problems In Utilizing The Patent Cooperation Treaty and The European Patent Convention; Realities Of Enforcing Patents Outside The United States

Tax Planning and Strategic Uses of Intellectual Property

– **Frederick E. Wooldridge, J.D. & C.P.A.**

International Tax Partner, Ernst & Young, Los Angeles

Portfolio Management; Common Mistakes; Effective Tax Rate Reduction Through Intercompany IP Transfers and Co-Development Strategies; International Transfer Pricing Laws; U.S. Tax Laws Applicable to Transfers of IP to Foreign Affiliates

Strategic Considerations In Technology Licensing And Cross-Licensing;

– **Minda R. Schechter, Esq.**

McCutchen, Doyle, Brown & Enersen LLP, Los Angeles

Business Strategy; Key Commercial Terms; Patent/Antitrust Interface In Licensing And Cross-Licensing

10:30am – 10:45am

Break – Refreshments

Session 2
10:45 am – 11:30
(MCLE Hours: .75)

International Antitrust Planning in an Era of Globalization

– **A. Douglas Melamed, Esq.**

Wilmer, Cutler & Pickering, Washington, D.C.

former Acting Assistant Attorney General and former Principal

Deputy Assistant Attorney General, Antitrust Division,

U.S. Department of Justice, Washington, D.C.

The Internationalization of Antitrust; Economic Globalization and Antitrust Enforcement; The Challenge of Attaining Transnational Coherence and Cooperation; Lessons from GE-Honeywell; Antitrust and Technology after Microsoft; Conclusions for International Antitrust Planning

Session 3
11:30 – noon
(MCLE Hours: .50)

U.S. Export Controls

– **John R. Liebman, Esq.**

McKenna & Cuneo, LLP, Los Angeles

Regulatory Structure: Export Administration Regulations and International Traffic in Arms Regulations; When is a License Required; What is an "Export;" University Research and Export Control Issues

The Conference Program

(continued)

**Lunch and Keynote
Speaker**
12:15 pm to 1:30 pm
(MCLE Hours: .50)

**The Honorable Robert L. Stoll,
Administrator for External Affairs,
The United States Patent and Trademark Office (USPTO)**
Keynote Speech: International Protection of Intellectual Property

Liaison between USPTO, the IP Treaty Organizations and IP Agencies in Other Countries; International Enforcement Efforts: The Role of the USPTO and USTR; Enforcement Efforts under the WTO's TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights); The Patent Cooperation Treaty and International Filings through USPTO; The Pending WIPO Copyright Treaty and Software Issues

Session 4
4:15pm – 5:00pm
(MCLE Hours: .75)

International Strategic Alliances

- **Hillel T. Cohn, Esq.**
Squire Sanders & Dempsey LLP, Los Angeles
- **Albert S. Golbert, Esq.**
Golbert & Associates, Los Angeles
- **Anthony R. Klein, Esq.**
Cooley Godward LLP, Palo Alto

Issues And Problems Commonly Encountered In Structuring and Operating An International Strategic Alliance; Factors Affecting Choice Of Structure: Tax Financial, Commercial and IP Considerations

Session 5
2:00 pm to 2:45 pm
(MCLE Hours: .75)

International Corporate Structuring – Integrated Planning

- **John B. McNeece III, Esq.**
- **Victor Mizrachi, Esq.**
Luce Forward, Hamilton & Scripps, LLP, San Diego

Subsidiaries and Branches v. Distribution and Agency Agreements – Alternative Structures For The Business Relationship; Applicable US and Foreign Laws; Tax Planning and Tax Treaties; Practical Considerations

Session 6
3:00 pm to 4:00pm
(MCLE Hours: 1.00)

International Mergers and Acquisitions

- **Ross D. Meador, Esq.**
Preston, Gates & Ellis, LLP, San Francisco
- **Michael J. Kennedy, Esq.**
Wilson, Sonsini, Goodrich & Rosatti, San Francisco

Why International M&A for Technology Companies? M&A versus Joint Ventures and Shared Technology Deals; Strategic and Financial Buyers; Seller Expectations; Financing; Pricing; International M&A Tax Planning; The Interplay between Tax Planning and IP Issues; Financing and the Impact on Structuring; Personnel and Labor Issues

4:00– 4:15 pm

Break – Refreshments

Session 7
5:15pm to 5:45pm
(MCLE Hours: .50)

Immigration Planning for International Technology Companies

- **David Hirson, Esq.**
Hirson, Wexler, Perl, Newport Beach and New York

Immigration as a Key Element of International Planning; U.S. Immigration Issues for Acquired Personnel; Conflicts between Tax Strategies and Immigration Strategies

5:45 pm to 7:00 pm

Hosted Reception

REGISTRATION FORM

Name: _____
(TYPE or PRINT CLEARLY as you wish your name to appear on badge)

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Address: _____
(STREET)

(CITY) (STATE) (ZIP CODE)

Telephone: (/) _____ Fax: (/) _____ EMail(1): _____
(country //area code) (number) (country //area code) (number) EMail(2): _____

State Bar Number (if applicable) : _____

- ☐ Please do not release my name to other Program attendees.
If box is not checked, your name and information will be listed with Program materials.

Registration Fee includes:

◆ Continental Breakfast ◆ Lunch ◆ Program ◆ Materials ◆ Break ◆ Reception ◆

[Check One – Please identify relevant organization]

<input type="checkbox"/>	Section or cooperating organization member (for non-Section members, includes International Law Section membership)	\$245
<input type="checkbox"/>	Non Section/cooperating organization member (includes International Law Section membership)	\$295
<input type="checkbox"/>	Full-time government/academic	\$125
<input type="checkbox"/>	Student	\$75
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DEADLINE: Your registration form and check, payable to the State Bar of California, or credit card information must be received by January 30, 2002. After the January 30, 2002 deadline, registrations for the International Law Program will be accepted on-site at the State Bar registration desk.

MAIL: Program Registrations, State Bar of California, 180 Howard Street, San Francisco, CA 94105-1639.

FAX: Program Registrations, State Bar of California, 415.538.2368. Faxes must be paid by credit card.

REFUNDS: All requests for State Bar program registration refunds must be in writing and received by January 22, 2002.

AIRLINE: Call United Airline's Meeting Desk at 800.521.4041 and quote I.D.#550QX to receive a 10% discount off regular coach fares and 5% discount off discounted fares.

HOTEL: A block of rooms has been reserved for Thursday, February 7, 2002 and Friday, February 8, 2002 at the San Diego Marriott Del Mar, 11966 El Camino Real, San Diego, CA 92130, at the special rate of \$129.00 plus tax per night. To make your reservation, please call the hotel directly at 800-228-9290; identify yourself as a State Bar attendee, and guarantee your reservation with a credit card. The deadline to make reservations for the special rate of \$129 is January 14, 2002. If reservations are made after January 14, 2002 rooms will be accommodated on a space-available basis only, so please make your reservations early!

QUESTIONS: For registration information call 415.538.2508. For program content call 415.538.2393 or visit our website at www.calbar.org/ils.htm. To join the Section call 415.538-2380. SPECIAL ASSISTANCE—please call 415.538.2393.

MCLE: 7 hours MCLE Credit for California will be available.